REVIEWED BY P. Valer DATE 12/23/13
Classified Information
RDS ☐ or XDS ☐ EXT. DATE OADR
TS AUTH. T. Ainsworth REASON (S) 13526 1.3(a)(5)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☐ RELEASABLE ☐
RELEASE DENIED ☒ in part
PA or FOI EXEMPTIONS 552(b)(1)

COMMISSION ON HUMAN RIGHTS

Thirty-Fifth (1979) Session

Scope Paper

Pursuant to Article 68 of the United Nations Charter, the Commission on Human Rights was established in 1946 "for the promotion of human rights." Our overall purpose at the 35th session will be to lend all appropriate support to the achievement of this objective. Our participation will be guided by two basic assumptions: (a) the human rights to be promoted are those possessed by all the peoples of the world, not those of a select few, and (b) our aim will be truly effective action through the United Nations, so that the situation of the particular peoples concerned will be improved. We want to encourage the development of a less selective approach by the Commission so that it will focus its attention upon a wider range of serious human rights violations in the world.

In determining our positions on individual issues our own concepts of basic human rights, as enshrined in our Constitution and developed from the beginnings of our nation, will provide the controlling guidelines. This does not mean, however, that we will seek to achieve uniform acceptance of our own standards. We recognize the virtues of diversity and will actively seek to learn, understand, and to take account of the points of view of other governments represented on the Commission. In particular, this will mean that our concern for the promotion of human rights will include the whole gamut of internationally recognized standards referred to under the headings civil and political and economic, social and cultural. We will acknowledge our acceptance of the proposition that basic civil and political human rights reinforce and promote basic economic rights and needs of peoples, and vice versa.

The 35th session will have the usual overly long agenda, of which probably not more than half will receive detailed consideration. Our principal concern at the

outset, therefore, will be to assure that those items to which we attach special importance are so placed in the agenda which the Commission adopts that adequate discussion of them will be assured before the close of the Commission session. Since the crucial recommendations on the order of the items are made by the Commission's Bureau (the Chairman, three Vice Chairmen and Rapporteur), we must conduct early consultations within our own regional group to assure that the regional group representative on the Bureau this year (who will be the Commission Chairman) will act appropriately to assert group interests in the order of the agenda items.

Among the matters to be discussed by the Commission the following will be of greatest interest to us and will present opportunities for achieving specific goals:

(1) Question of the Program and Methods of Work of the Commission; Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms. Under this item we must assure the adoption of a balanced, constructive plan for the future work program of the Commission as well as for United Nations human rights activities overall. We will seek to advance as far as possible certain of the suggestions made by President Carter in his United Nations address of March 17, 1977, viz., another regular annual session of the Commission on Human Rights; move back to United Nations Headquarters the UN Secretariat component, the Human Rights Division; and the establishment of a United Nations High Commissioner for Human Rights. Particularly with respect to the High Commissioner proposal, in consultation with other supporters, we must develop tactics to assure that its essential elements remain unchanged so that the proposal can again be considered by the General Assembly, if possible at its 1979 session. We must also assure that the United States sponsored item at the 32nd UN General Assembly on review and coordination is adequately highlighted in any proposals for strengthening United Nations human rights machinery. Finally, under this item or under a related item on the agenda which deals with the Advisory Services in the field of Human Rights, we will be seeking to encourage

greater utilization of and expansion of the United Nations Advisory Services Program.

(2) Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment, in particular: Draft Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We expect to participate actively in the working group which will be set up to draft the Convention on Torture and we will seek to achieve as much progress as possible in completing the drafting exercise at the 35th session. We will carry on consultations already pursued under the aegis of the Council of Europe with a view to assuring the inclusion in the Convention of effective implementation provisions.

(3) Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World, With Particular Reference to Colonial and Other Dependent Areas and Territories, Including: Study of Situations Which Reveal a Consistent Pattern of Gross Violations of Human Rights. This item presents the greatest challenge of any item on the agenda since here will be discussed the cases referred to the Commission under ECOSOC Resolution 1503. Our support for the 1503 procedures has been strong since they were approved in 1970

[redacted]

Our goal will be to encourage decisions for study or investigation of all those cases in which governments failed to produce convincing evidence that the alleged violations are being corrected. Foremost among the cases which will command our attention is that concerning the human rights situation in [redacted] Action which we will support on the [redacted] case will depend largely on recent developments which will be reported to the Commission by the Secretary-General.

Other serious cases requiring adequate action will be [redacted]

In addition to the confidential 1503 procedures, there will be discussed in public forum the situation of the violation of human rights in Democratic Kampuchea. We must assure that appropriate action is taken by the Commission to follow-up its decision to look into the matter which was taken at its last session.

(4) Draft Declaration on the Elimination of All Forms of Intolerance and on Discrimination Based on Religion or Belief. We intend to give our strong support to the achievement of forward progress in the drafting of the Declaration, which has been proceeding much too slowly. We will emphasize our belief that the issue of religious freedom is among the most important human rights issues in the world today and requires effective attention by the Commission.

(5) Study of Reported Violations of Human Rights in [redacted] We intend to assure the maintenance of adequate monitoring by the Human Rights Commission of the human rights situation in [redacted] As proposed in the resolution adopted by the 33rd UN General Assembly, we will support the substitution of a Special Rapporteur for the Ad Hoc Working Group and the establishment of machinery to deal with the problem [redacted]

(6) Report of the Subcommission on Prevention of Discrimination and Protection of Minorities. Because the Subcommission plays a key role in the implementation of the procedures established in ECOSOC Resolution 1503 and because much of its expert work provides an essential basis for follow-up recommendations by the Commission, we must assure that adequate time is allocated for discussion of the Subcommission's report. The Subcommission has been improving in effectiveness and therefore has drawn upon itself undue criticism by governments (such as [redacted] which have been the object of its attention) [redacted]

(7) The Problem of Disappeared Persons. As a follow-up to the resolution adopted by the United Nations General Assembly, we will be consulting with the resolution's original sponsors, Canada and the United Kingdom, with a view to the establishment by the Human Rights Commission of an effective mechanism for dealing with the problem of disappeared persons throughout the world.

(8) Importance of National Institutions in the Field of Human Rights. We want to give every encouragement to the initiative being pursued by the Indian delegation to strengthen the role which can be played by national institutions supporting the international human rights activities of the United Nations. A related area which we will also seek to promote will be the establishment of regional human rights organs.

TACTICAL SITUATION:

In pursuing the goals which we have set for ourselves in the 35th session of the Human Rights Commission, full account must be taken of the setting. The Commission operates pursuant to the Rules of Procedure of the Functional Commissions of ECOSOC and it takes decisions by majority vote. Of the 32 members on the Commission, 8 are from African states, 6 from Asian states, 6 from LA states, 8 from WEO states, and 4 from the Socialist States of Eastern Europe. Of the present membership, the following have been the object of formal complaints of human rights violations which have been before the Commission in recent years: [redacted]

To achieve a working majority in the Commission our contacts must take account of the key position occupied in the Commission by the countries of the Third World. It is only from the members of this group that we can hope to find the support which we will need if we are to achieve our goals through the adoption of resolutions by the Commission. In the consultations which we must carry out before the opening of the Commission session as well as during the period of the session itself, we must identify at least 8-10 of the Member States from the Third World with which we must work to develop common positions in pursuit of our objectives.

UNITED STATES DELEGATION TO

THE 35th SESSION OF THE

UNITED NATIONS COMMISSION ON HUMAN RIGHTS

February 12 - March 16, 1979

Geneva, Switzerland

Representative:

The Honorable
Edward M. Mezvinsky
United States Representative to the
Commission on Human Rights of the
United Nations Economic and Social Council

Alternate Representatives:

Warren E. Hewitt
Director, Office of Human Rights Affairs
Bureau of International Organization Affairs
Department of State

The Honorable
William vanden Heuvel
United States Representative to the
European Office of the United Nations
Geneva

Advisers:

Roberta Cohen
Bureau of Human Rights and Humanitarian Affairs
Department of State

Michael P. Hoyt
United States Mission
Geneva

Alan J. Kreczko
Office of the Legal Adviser
Department of State

Lois J. Matteson
United States Mission to the United Nations

Set Momjian
Executive
Ford Motor Company

Csanad Toth
Special Assistant
Bureau of International Organization Affairs
Department of State

7 9 0 6 5 1 0 1 5 2